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8 Attorneys for Plaintiffs

9  
 10 UNITED STATES DISTRICT COURT  
 11 SOUTHERN DISTRICT OF CALIFORNIA

12 MATT GOLDSTEIN, et al., on  
 13 behalf of themselves  
 14 and on behalf of a class of others  
 similarly situated,  
 15 Plaintiffs,  
 16 v.  
 17 GENERAL MOTORS LLC, a  
 18 Delaware limited liability company,  
 19 Defendant.  
 20  
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Case No.: 3:19-CV-1778 RSH (AHG)

Hon. Robert S. Huie

**JOINT MOTION TO DISMISS  
 PURSUANT TO FED. R. CIV.  
 PROC. 41(a)(1)(A)(ii)**

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1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Rule  
2 7.2 of the United States District Court for the Southern District of California,  
3 Plaintiffs, Matt Goldstein, Vanessa Rodriguez, Benito Guzman, and Percy Sutton  
4 (“Plaintiffs”), by and through their attorneys, and Defendant General Motors LLC  
5 (“Defendant” or “GM”), by and through its attorneys, (collectively, the “Parties”),  
6 hereby jointly move and respectfully request that the Court dismiss this action with  
7 prejudice as to Plaintiffs’ individual claims, and without prejudice as to the claims  
8 of the putative class members.

9 Plaintiffs filed their operative Third Amended Complaint on March 5, 2021  
10 (Dkt. 67), which GM answered on March 8, 2022 (Dkt. 83).

11 The Parties have reached a confidential settlement in this action.

12 The Parties stipulate and agree, pursuant to Federal Rule of Civil Procedure  
13 41(a)(1)(A)(ii), that Plaintiffs voluntarily dismiss this action **with prejudice** as to  
14 Plaintiffs’ individual claims, and **without prejudice** as to the claims of the  
15 putative class members.

16 “Because no class has been certified in this case, Rule 23 does not mandate  
17 either Court approval of the instant settlement or notice to putative class  
18 members.” *Lee v. CVS Pharmacy, Inc.*, No. 320CV01923BENDEB, 2021 WL  
19 308283, at \*2 (S.D. Cal. Jan. 28, 2021) (alterations and quotations omitted).  
20 Instead, “when no class has been certified, voluntary dismissal of a putative class  
21 action is governed not by Rule 23 but by Rule 41.” *Adams v. USAA Cas. Ins. Co.*,  
22 863 F.3d 1069, 1082-83 (8th Cir. 2017) (collecting cases). Thus, pursuant to  
23 Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate and  
24 jointly move the Court for dismissal of this entire action **with prejudice** as to  
25 Plaintiffs’ individual claims, and **without prejudice** as to the claims of the absent  
26 putative class members.

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Dated: July 18, 2023

Respectfully submitted,

Capstone Law, APC

By: /s/Laura E. Goolsby

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Dated: July 18, 2023

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**SIGNATURE CERTIFICATION**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to counsel for Defendant General Motors LLC, and that I have obtained authorization to affix Defendant’s counsel’s electronic signature to this document.

*s/ Laura Goolsby*

Laura Goolsby